

765. The defendants deny the allegations contained in paragraph 765 of the plaintiff's complaint.

766. The defendants deny the allegations contained in paragraph 766 of the plaintiff's complaint.

AS TO COUNT XLVIII

767. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 766 of the plaintiff's complaint and incorporate them herein by reference.

768. The defendants deny the allegations contained in paragraph 768 of the plaintiff's complaint.

AS TO COUNT XLIX

769. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 768 of the plaintiff's complaint and incorporate them herein by reference.

770. The defendants deny the allegations contained in paragraph 770 of the plaintiff's complaint.

771. The defendants deny the allegations contained in paragraph 771 of the plaintiff's complaint.

AS TO COUNT L

772. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 771 of the plaintiff's complaint and incorporate them herein by reference.

773. The defendants deny the allegations contained in paragraph 773 of the plaintiff's complaint.

774. The defendants deny the allegations contained in paragraph 774 of the plaintiff's complaint.

AS TO COUNT LI

775. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 774 of the plaintiff's complaint and incorporate them herein by reference.

776. The defendants deny the allegations contained in paragraph 776 of the plaintiff's complaint.

777. The defendants deny the allegations contained in paragraph 777 of the plaintiff's complaint.

AS TO COUNT LII

778. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 777 of the plaintiff's complaint and incorporate them herein by reference.

779. The defendants deny the allegations contained in paragraph 778 of the plaintiff's complaint.

780. The defendants deny the allegations contained in paragraph 780 of the plaintiff's complaint.

AS TO COUNT LIII

781. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 780 of the plaintiff's complaint and incorporate them herein by reference.

782. The defendants deny the allegations contained in paragraph 782 of the plaintiff's complaint.

783. The defendants deny the allegations contained in paragraph 783 of the plaintiff's complaint.

AS TO COUNT LIV

784. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 783 of the plaintiff's complaint and incorporate them herein by reference.

785. The defendants deny the allegations contained in paragraph 785 of the plaintiff's complaint.

786. The defendants deny the allegations contained in paragraph 786 of the plaintiff's complaint.

787. The defendants deny the allegations contained in paragraph 787 of the plaintiff's complaint.

AS TO COUNT LV

788. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 787 of the plaintiff's complaint and incorporate them herein by reference.

789. The defendants deny the allegations contained in paragraph 789 of the plaintiff's complaint.

790. The defendants deny the allegations contained in paragraph 790 of the plaintiff's complaint.

791. The defendants deny the allegations contained in paragraph 791 of the plaintiff's complaint.

792. The defendants deny the allegations contained in paragraph 792 of the plaintiff's complaint.

793. The defendants deny the allegations contained in paragraph 793 of the plaintiff's complaint.

794. The defendants deny the allegations contained in paragraph 794 of the plaintiff's complaint.

AS TO COUNT LVI

795. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 794 of the plaintiff's complaint and incorporate them herein by reference.

796. The defendants deny the allegations contained in paragraph 796 of the plaintiff's complaint.

797. The defendants deny the allegations contained in paragraph 797 of the plaintiff's complaint.

AS TO COUNT LVII

798. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 797 of the plaintiff's complaint and incorporate them herein by reference.

799. The defendants deny the allegations contained in paragraph 799 of the plaintiff's complaint.

800. The defendants deny the allegations contained in paragraph 800 of the plaintiff's complaint.

AS TO COUNT LVIII

801. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 800 of the plaintiff's complaint and incorporate them herein by reference.

802. The defendants deny the allegations contained in paragraph 802 of the plaintiff's complaint.

803. The defendants deny the allegations contained in paragraph 803 of the plaintiff's complaint.

AS TO COUNT LVIX

804. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 803 of the plaintiff's complaint and incorporate them herein by reference.

805. The defendants deny the allegations contained in paragraph 805 of the plaintiff's complaint.

806. The defendants deny the allegations contained in paragraph 806 of the plaintiff's complaint.

807. The defendants deny the allegations contained in paragraph 807 of the plaintiff's complaint.

808. The defendants deny the allegations contained in paragraph 808 of the plaintiff's complaint.

809. The defendants deny the allegations contained in paragraph 809 of the plaintiff's complaint.

810. The defendants deny the allegations contained in paragraph 810 of the plaintiff's complaint.

811. The defendants deny the allegations contained in paragraph 811 of the plaintiff's complaint.

812. The defendants deny the allegations contained in paragraph 812 of the plaintiff's complaint.

813. The defendants deny the allegations contained in paragraph 813 of the plaintiff's complaint.

814. The defendants deny the allegations contained in paragraph 814 of the plaintiff's complaint.

815. The defendants deny the allegations contained in paragraph 815 of the plaintiff's complaint.

816. The defendants deny the allegations contained in paragraph 816 of the plaintiff's complaint.

817. The defendants deny the allegations contained in paragraph 817 of the plaintiff's complaint.

818. The defendants admit the allegations contained in paragraph 818 of the plaintiff's complaint. To the extent paragraph 818 alleges any wrongdoing, the defendants deny the allegations contained in paragraph 818 of the plaintiff's complaint.

819. The defendants deny the allegations contained in paragraph 819 of the plaintiff's complaint.

AS TO COUNT LX

820. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 819 of the plaintiff's complaint and incorporate them herein by reference.

821. The defendants deny the allegations contained in paragraph 821 of the plaintiff's complaint.

822. The defendants deny the allegations contained in paragraph 822 of the plaintiff's complaint.

823. The defendants admit the allegations contained in paragraph 823 of the plaintiff's complaint. To the extent paragraph 823 alleges any wrongdoing, the defendants deny the allegations contained in paragraph 823 of the plaintiff's complaint.

824. The defendants deny the allegations contained in paragraph 824 of the plaintiff's complaint.

825. The defendants deny the allegations contained in paragraph 825 of the plaintiff's complaint.

826. The defendants deny the allegations contained in paragraph 826 of the plaintiff's complaint.

827. The defendants deny the allegations contained in paragraph 827 of the plaintiff's complaint.

AS TO COUNT LXI

828. The defendants repeat and reallege their answers to the allegations contained in paragraphs 1 through 8270 of the plaintiff's complaint and incorporate them herein by reference.

829. The defendants say that they need not respond to the allegations contained in paragraph 829 of the plaintiff's complaint as the document speaks for itself.

830. The defendants deny the allegations contained in paragraph 830 of the plaintiff's complaint.

831. The defendants deny the allegations contained in paragraph 831 of the plaintiff's complaint.

832. The defendants admit the allegations contained in paragraph 832 of the plaintiff's complaint. To the extent that paragraph 832 alleges wrongdoing, the defendants deny the allegations contained in paragraph 832 of the plaintiff's complaint.

833. The defendants deny the allegations contained in paragraph 833 of the plaintiff's complaint.

SECOND DEFENSE

Some or all of the claims set forth in the complaint are barred by applicable statute of limitations and/or by the doctrine of laches.

THIRD DEFENSE

The plaintiff is not entitled to recover as the complaint does not set forth a claim upon which relief can be granted.

FOURTH DEFENSE

Plaintiff has waived or should be estopped from asserting some or all of the claims set forth in the complaint.

FIFTH DEFENSE

Plaintiff's claims are barred by the doctrines of *res judicata*, collateral estoppel or both.

SIXTH DEFENSE

The defendants say that they are immune from liability for damages for any violation of the plaintiff's civil rights under federal or state law since their conduct at all relevant times was in good faith, without malice and not in disregard of settled principles of constitutional law.

SEVENTH DEFENSE

The defendants state that at all times they acted reasonably, within the scope of their official discretion and with a good faith belief that their actions were lawful and not in violation of any clear established statutory or constitutional right of which a reasonable person would have known with regard to all matters in the complaint which bear on a state or federal question.

EIGHTH DEFENSE

The defendants state that they are immune from suit because of the doctrine of qualified immunity.

NINTH DEFENSE

The defendants say that the accident as alleged in the plaintiff's complaint was not caused by any person for whose conduct the defendants are legally responsible.

TENTH DEFENSE

In further answering, the defendants say that the plaintiff's claim is frivolous and not made in good faith, and the defendants, therefore, demand their costs and attorneys' fees pursuant to G.L. c. 231, § 6F.

ELEVENTH DEFENSE

The defendant cannot be held liable for violating the civil rights of the plaintiff as there has been no official or unofficial policy, custom, ordinance, regulation, or practice resulting in the deprivation of constitutional rights alleged.

TWELFTH DEFENSE

The defendant says that the claims alleged pursuant to M.G.L. c. 12, § 11H and I must be dismissed as there are no allegations of deprivation of constitutional and/or statutory rights by force, threat, intimidation, or coercion.

THIRTEENTH DEFENSE

The defendants state that the plaintiff's claims must fail since the defendants were, at all relevant times, discharging discretionary functions and, thus, are entitled to immunity.

FOURTEENTH DEFENSE

The defendants state that there is no evidence that defendants' conduct was extreme or outrageous.

FIFTEENTH DEFENSE

The defendants state that a civil rights action against the defendants must fail since they cannot be held liable under the *respondeat superior* doctrine and the plaintiff has failed to show that the defendants caused the alleged constitutional violation.

SIXTEENTH DEFENSE

The defendants say that their acts and conduct were performed according to and protected by law and/or legal process and, therefore, the plaintiff cannot recover.

SEVENTEENTH DEFENSE

The defendants say that they are immune from liability for damages for any violation of the plaintiff's civil rights under federal or state law since their conduct at all relevant times was in good faith, without malice and not in disregard of settled principles of constitutional law.

EIGHTEENTH DEFENSE

The defendants state that any actions taken by the defendants in connection with the allegations in this complaint were justified and required by considerations of public policy, safety and law enforcement.

NINETEENTH DEFENSE

The defendants state that the plaintiff's claims, pursuant to 42 USC § 1983, must fail since he had an adequate post deprivation remedy.

THE DEFENDANTS HEREBY DEMAND A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

THE DEFENDANTS,
TOWN OF HOLLAND, ET AL

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